

SCHEDULES

SCHEDULE 2

MINOR AND CONSEQUENTIAL AMENDMENTS

PART III

AMENDMENTS OF INSTRUMENTS CLERGY PENSIONS (AMENDMENT) REGULATIONS 1975

25 For regulation 3 of the Clergy Pensions (Amendment) Regulations 1975 there shall be substituted the following regulation—

“3 For the removal of doubt it is hereby declared that a scheme member who—
(a) before attaining the retiring age ceases to perform pensionable service, and
(b) on the date on which he attains that age is neither performing such service nor in receipt of a pension under the Church of England (Pensions) Measures 1961 to 1988,
is to be deemed for the purposes of those Measures, any rules made thereunder and these regulations to have retired on that date”.

26 In regulation 5(2) of those Regulations for the words “Clergy Pensions Measures 1961 to 1972” there shall be substituted the words “Church of England (Pensions) Measures 1961 to 1988.”

Clergy Occupational Pensions Scheme Regulations 1977

27 The Clergy Occupational Pensions Scheme Regulations 1977 shall have effect subject to the amendments specified in paragraphs 28 to 33 below.

28 In regulations 2, 4, 5, 6 and 7 for the word “clerk” wherever it occurs there shall be substituted the words “scheme member”.

29 In regulation 1 in paragraph (2) for the definition of “the Scheme” there shall be substituted—

““the Scheme” means the provisions relating to pensions for clergy, deaconesses and licensed lay workers and their widows, widowers and dependants contained in the Church of England (Pensions) Measures 1961 to 1988, any rules made under section 3 of the Clergy Pensions (Amendment) Measure 1967 and any regulations made under section 6(1) of the Clergy Pensions (Amendment) Measure 1972, including these regulations, and known as the Church of England Pensions Scheme;”

30 In regulation 2—

(a) in paragraph (2) for sub-paragraph (b) there shall be substituted—

“(b) if the scheme member dies at any time and leaves a widow or widower, the weekly rate of pension provided for the

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surviving spouse under the scheme shall not be less than half that guaranteed minimum.”;

- (b) in paragraph (3) for sub-paragraph (b) there shall be substituted—
 - “(b) if the scheme member dies at any time and leaves a widow or widower, the surviving spouse shall be entitled to a pension under the scheme, the weekly rate of which is equal to half the guaranteed minimum.”;
- (c) at the end of the regulation there shall be added the following paragraph—
 - “(5) Any reference in this regulation to a scheme member’s guaranteed minimum shall, so far as it is attributable to the scheme member’s earnings after 5th April 1988, be a reference to that minimum as increased in accordance with the requirements of section 37A of the Act and to the extent of any orders made under that section”.

31 In regulation 4—

- (a) for the words “regulation 3 above” wherever they occur in paragraphs (1), (3) and (4) there shall be substituted the words “this regulation”;
- (b) in paragraph (4) for the words “section 35(6) of the Act” there shall be substituted the words “section 35(6), (6A) and (6B) of the Act”.
- (c) at the end of the regulation there shall be added the following paragraph—
 - “(5) This regulation applies to a scheme member who retires after performing a qualifying period of pensionable service in employment which in relation to him is contracted out employment by reference to the Scheme.”

32 In regulation 5 for paragraph (1) there shall be substituted the following paragraph—

- “(1) This regulation applies to a scheme member to whom regulation 4 above applies and who—
 - (a) in the case of a clerk, is deemed under section 14 of the Incumbents (Vacation of Benefices) Measure 1977 (pension of incumbent found to be unable to perform duties attaching to benefice) to have become incapable through infirmity of performing the duties of his office, or
 - (b) in the case of any scheme member, ceases to perform pensionable service before attaining the retiring age without receiving a pension in respect of that service and subsequently before attaining that age satisfies the Board that he has become incapable through infirmity of performing pensionable service”.

33 In regulation 6—

- (a) in paragraph (1) after the word “widow” there shall be inserted the words “or widower”;
- (b) for paragraph (5) there shall be substituted the following paragraph—
 - “(5) So much of subsection (4) of section 10 of the 1961 Measure as empowers the Church of England Pensions Board to discontinue the payment of a pension to a widow or widower who remarries shall, in relation to a widow or widower to whom this regulation applies, apply only in respect of the amount (if any) by which the widow’s or widower’s pension exceeds her or his guaranteed minimum.”

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Clergy Pensions (Amendment) Regulations 1981

- 34 In Regulation 2 of the Clergy Pensions (Amendment) Regulations 1981—
- (a) in paragraph (1) after the word “widow” there shall be inserted the word “widower”;
 - (b) in paragraph (2) for the words “Clergy Pensions Measures 1961 to 1972” there shall be substituted the words “Church of England (Pensions) Measures 1961 to 1988.”